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BARNES & THORNBURG, LLP P.O. BOX 2786 CHICAGO, IL 60690-2786				
			EXAMINER	
			PATTEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/878,874

Applicant(s)

MCCORMACK ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10, 11 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11 and 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. Claims 1-8, 10-11, 19-25 are subject to examination. Claims 9 and 12-18 are cancelled.

#### *Response to Arguments*

2. Applicant's arguments filed 2/21/2006, pages 8-13 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-8, 10-11, 19-25 is maintained.

Applicant argues (1), "Newman does not disclose that a user can use can use an attached URI to initiate a telephony call", "URIs to automatically initiate a call", and states, "Newman teaches are limited to a virtual room conferencing system in which a user initiates a connection between ... always initiates the connection ... device, lines 3 – 10, page 10, applicant's remark dated 2/21/2006.

The examiner respectfully disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, "Newman does not disclose that a user can use can use an attached URI to initiate a telephony call", "URIs to automatically initiate a call", are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The First inquiry must be into exactly what the claims define. See *In re Wilder*, 166 USPQ 545, 548 (CCPA 1970). What is claimed is, see claim 1 which is related to the above arguments, "establishing a telephone call over a communications network at a specified time using a web-based telephony application". Also, contrary to applicant's assertions, the disclosures and teachings of the Newman are not limited.

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Newman also teaches a well-known concept of a method of establishing a telephone call over a communications network at a specified time (e.g., paragraph 40, col., 3) using a web-based telephony application (e.g., figure 6C, paragraph, 18, page 2) for establishing a telephony communication over a communication network (e.g., figure 10, paragraph 77, col., 5). Note: the limitations “specified future time” of the claims are not limited to the specified future time that is specified at a particular time (and not in the past). Also the claims do not mention when the specified future time is specified. For example, a specified future time value that is specified in the past would have the time value that is already past or current. The specification of this application, page 14, lines 5 – 10, clearly states, “Any range or device value given herein may be extended or altered without losing the effect sought, as will be apparent to the skilled person for an understanding of the teachings herein. A range of applications are within the scope of the invention”. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Applicant argues (2), “Newman does not disclose by doing so automatically”.

The examiner respectfully disagrees in response to applicant's arguments. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The limitations that includes automatically is rejected using the combined teachings of the Newman, U.S. Publication 2003/0037109, applicant's admitted prior art, AAPA, page 1, Farris et al., 6,574,216 (Hereinafter Farris), Blackketter et al., U.S.

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Publication 2002/0056129 (Hereinafter Blackketter) and Grandgent et al., U. S. Publication 2003/0021400 (Hereinafter Grandgent). Since the limitations has been amended, please refer to the below rejections of this office action. Therefore, the rejection is maintained.

Applicant argues (3), “usage of a future time specified in a URI is not well-known in the art, the examiner provided reasons to combine the teachings of the references are improper, and too many references are used to reject the limitations of the claim 1, hence the claim should be allowed”.

The examiner respectfully disagrees in response to applicant's arguments. First, as mentioned in the above responses to the arguments the claimed invention does not provide when the future time is specified. Second, in response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991). Third, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as per the applicant's request the examiner further cites a reference that not only includes well-known concept of the usage of a future time specified in a URI but also the benefits and advantages of specifying a future time in the URI (e.g., Khouri et al., 6,871,212, col., 4, line 60 – col., 5, line 26).

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The claim is open-ended (comprising). Also, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of a primary reference. It is also not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. *In re Keller*, 642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981); *In re Young*, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991).

The reason or motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem. It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant. *In re Linter*, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972). There is no requirement that the prior art provide the same reason as the applicant to make the claimed invention. *Ex parte Levengood*, 28 USPQ2d 1300, 1302 (Bd. Pat. App. & Inter. 1993). Since the cited references disclose the well-known concept of the usage of a future time specified in a URI as discloses above, hence, the rejection is maintained.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 10, 11 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman, U.S. Publication 2003/0037109 in view of applicant's admitted prior art, AAPA,

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page 1, Farris et al., 6,574,216 (Hereinafter Farris), Blackketter et al., U.S. Publication 2002/0056129 (Hereinafter Blackketter) and Grandgent et al., U. S. Publication 2003/0021400 (Hereinafter Grandgent).

5. As per claims 1, 11, 22 and 23, Newman teaches a method of establishing a telephone call over a communications network at a specified time (e.g., paragraph 40, col., 3) using a web-based telephony application (e.g., figure 6C, paragraph, 18, page 2) for establishing a telephony communication over a communication network (e.g., figure 10, paragraph 77, col., 5) comprising:

(i) accessing a message comprising the specified time and also comprising information about a call source and destination (e.g. paragraph 64, page 4 and paragraph 17, pages 1-2); and

(ii) at the time specified in the message, instructing a telephony switch / apparatus to set up a telephone call between the source and destination specified in the message (e.g. paragraph 64, page 4 and paragraph 17, pages 1-2) to effect /over the communications network (e.g., figure 10, paragraph 77, col., 5), an input arranged to access a message (e.g., figure 6C, paragraph, 18, page 2) comprising the specified time (e.g., paragraph 40, col., 3) and information about a call source and call destination (e.g. paragraph 64, page 4 and paragraph 17, pages 1-2), a computer program arranged / signal (e.g., figure 6C, paragraph, 18, page 2) to control a telephony switch / apparatus to setup a telephone call (e.g. paragraph 64, page 4 and paragraph 17, pages 1-2) / connect the source and destination at the specified time to route (e.g., paragraph 48, col., 3) the telephony communication.

Newman also discloses use of directory name service (e.g., paragraph 64, page 4) and the messages that can be used to send or receive containing scheduling information (e.g., paragraph 84, page 6).

However Newman does not specifically mention about use of uniform resource identifier (URI). AAPA discloses the well-known use of uniform resource identifier (URI) and Directory Number (DN) information (e.g., lines 15 – 18, page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman with the teachings of AAPA in order to facilitate use of uniform resource identifier (URI) because the usage of URI would help support messaging mechanism to schedule a teleconference using any messaging means that can help schedule the teleconference. The URI would help implement the messaging mechanism to send/receive messages among the devices used for establishing the telephone call over the communication network at a specified time using a web-based telephony application.

Newman and AAPA do not specifically mention about switch / apparatus to automatically set up a call. Farris discloses the well-known concept of switch / apparatus to automatically set up a call (e.g., col., 5, lines 3 – 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman and AAPA with the teachings of Farris in order to facilitate switch / apparatus to automatically set up a call because the switch / apparatus would help set up a call without manual intervention. The call set up by the switch / apparatus would help users to communicate with each other.



Newman, AAPA and Farris do not specifically mention about usage of future time specified in URI.

Blackketter discloses a well-known concept of using future time specified in URI (e.g., abstract, paragraph 50, col., 4, figures 11, 4-6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA and Farris with the teachings of Blackketter in order to facilitate usage of future time specified in URI because the URI would provide the future time information to the receiving device. The receiving device would utilize the future time information.

Newman, AAPA, Farris and Blackketter do not specifically mention about call setup at future time.

Grandgent discloses a well-known concept of call setup at future time (e.g., paragraph 82, page 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA, Farris and Blackketter with the teachings of Grandgent in order to facilitate call setup at future time because the call setup would provide communication at the future time information with the receiving device. The receiving device would utilize the future time information.

6. As per claim 2, Newman, AAPA, Farris, Blackketter and Grandgent teach the claimed limitations rejected under claim 1 and Newman also teaches the following:

receiving the message from another entity selected from a web site and a software application on a user terminal (e.g., paragraph 63, page 4).

7. As per claim 3, Newman, AAPA, Farris, Blackketter and Grandgent teach the claimed limitations rejected under claim 1 and Newman also teaches the following:

receiving the message from a web-based conference call booking application (e.g., figure 6C, paragraph, 18, page 2).

8. As per claim 4, Newman, AAPA, Farris, Blackketter and Grandgent teach the claimed limitations rejected under claim 1 and Newman also teaches the following:

accessing a message comprises receiving the message from a calendar application on a user terminal (e.g., figure 6C, paragraph, 18, page 2).

9. As per claim 5, Newman, AAPA, Farris, Blackketter and Grandgent teach the claimed limitations rejected under claim 1 and Newman also teaches the following:

said message comprises time zone information (e.g., figure 6A, paragraph, 68, page 5).

10. As per claim 6, Newman, AAPA, Farris, Blackketter and Grandgent teach the claimed limitations rejected under claim 1 and Newman also teaches the following:

said information about the call destination comprises a director number (DN) (e.g., paragraph 64, page 4, and paragraph, 68, page 5).

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11. As per claim 7, Newman, AAPA, Farris, Blackketter and Grandgent teach the claimed limitations rejected under claim 1 and Newman also teaches the following:

said URI comprises a plurality of directory numbers and a plurality of time ranges, one for each directory number (e.g., paragraph 64, page 4, and paragraph, 68, page 5).

12. As per claim 8, Newman, AAPA, Farris, Blackketter and Grandgent teach the claimed limitations rejected under claims 1 and 7 and Newman also teaches the following:

instructing the telephony switch / apparatus to automatically set up a telephone call to one of the directory numbers depending on a current time and a time range (e.g., paragraph 64, page 4, and paragraph, 68, page 5).

13. As per claim 10, Newman, AAPA, Farris, Blackketter and Grandgent teach the claimed limitations rejected under claim 1 and Newman also teaches the following:

instructing the telephony switch / apparatus to display the message at a telephone terminal at the call Source (e.g., paragraph 63, page 4).

14. As per claim 24, Newman, AAPA, Farris, Blackketter and Grandgent teach the claimed limitations rejected under claim 11. Newman also teaches a web-browser (e.g., paragraph 63, col., 4) which includes a calendar (e.g., figure 6C).

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15. Claims 19, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman, AAPA, Farris, Blackketter and Grandgent in view of Leong et al., 5,996,010 (Hereinafter Leong) and Schuster et al., 6,857,021 (Hereinafter Schuster).

16. As per claims 19 and 20, Newman, AAPA, Farris, Blackketter and Grandgent teach the claimed limitations rejected under claim 11 and Newman also teaches the following:

a web-browser (e.g., paragraph 63, col., 4) which is arranged (e.g., paragraph 63, col., 4) to receive information (e.g., paragraph 63, col., 4).

However, Newman, AAPA, Farris, Blackketter and Grandgent do not specifically mention about a plurality of URIs and to select one of those URIs on the basis of the information in each of the URIs and a parser arranged to parse URIs.

Lenong discloses the well-known concept of having a plurality of URIs (e.g., URI directory with several URIs, figure 4) and to select (e.g., use of parser to parse URIs, col., 9, lines 4 – 28) one of those URIs (e.g., URI directory with several URIs, figure 4) on the basis of the information (e.g., col., 3, lines 27 – 34) in each of the URIs (e.g., URI directory with several URIs, figure 4) and a parser arranged to parse URIs (e.g., use of parser to parse URIs, col., 9, lines 4 – 28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA, Farris, Blackketter and Grandgent with the teachings of Lenong in order to facilitate parsing of multiple URIs because the parsing would help separate the URIs and the information. The parsed information would help the software to support processing the information contained in the URIs.

Newman, AAPA, Farris, Blackketter, Grandgent and Lenong do not specifically mention about URIs each comprising time information.

Schuster discloses the well-known concept of URIs each comprising time information (e.g., col., 25, lines 28 – 44, col., 16, lines 2 - 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA, Farris, Blackketter, Grandgent and Lenong with the teachings of Schuster in order to facilitate URIs each comprising time information because the time information would help the software know when to process an event related to the time information. The software would help process the time information related event to support processing the information contained in the URIs.

17. As per claim 21, Newman, AAPA, Farris, Blackketter and Grandgent teach the claimed limitations rejected under claim 11 and Newman also teaches a processor (e.g., figure 10) which is connected to the communications network (e.g., figure 10).

However, Newman, AAPA, Farris, Blackketter and Grandgent do not specifically mention about a plurality of URIs.

Lenong discloses the well-known concept of having a plurality of URIs (e.g., URI directory with several URIs, figure 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA, Farris, Blackketter and Grandgent with the teachings of Lenong in order to facilitate having plurality of URIs because multiple URIs would handle several different information supported by the URIs.

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Newman, AAPA, Farris, Blackketter, Grandgent and Lenong do not specifically mention about URIs are created which comprise time information and sent to other entities within an internet protocol communications network for the purpose of establishing a telephony call.

Schuster discloses the well-known concept of URIs are created (e.g., col., 14, lines 26 – 38, col., 16, lines 2 - 8) which comprise time information (e.g., col., 25, lines 28 – 44, col., 16, lines 2 - 8) and sent to other entities (e.g., col., 12, lines 18 – 34) within an internet protocol communications network (e.g., col., 12, lines 31 – 42) for the purpose of establishing a telephony call (e.g., col., 4, lines 3 – 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA, Farris, Blackketter, Grandgent and Lenong with the teachings of Schuster in order to facilitate URIs each comprising time information because the time information would help the software know when to process an event related to the time information. The software would help process the time information related event to support processing the information contained in the URIs. The URIs sent to other entities over the network would help support the communication between users.

18. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman, AAPA, Farris, Blackketter and Grandgent in view of Goodspeed, 2002/0065828 (Hereinafter Goodspeed) and Schuster.

19. As per claim 25, Newman, AAPA, Farris, Blackketter and Grandgent teach the claimed limitations rejected under claim 11. Newman, AAPA, Farris, Blackketter and Grandgent do not

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specifically mention about URI includes, password information; time zone information; address information.

Goodspeed discloses the well-known concept of URI (e.g., paragraph 10, col., 2) includes, password information (e.g., paragraphs 67 – 69); time zone information (e.g., paragraph 333, page 22); address information (e.g., paragraph 333, page 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA, Farris, Blackketter and Grandgent with the teachings of Goodspeed in order to facilitate URI including password information because the password information would help authenticate information related to the URI. The software would help handle password information for processing the call.

Newman, AAPA, Farris, Blackketter, Grandgent and Goodspeed do not specifically mention about protocol information.

Schuster discloses the well-known concept of using protocol information (e.g., usage of SIP URI, col., 16, lines 1 – 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA, Farris, Blackketter, Grandgent with the teachings of Schuster in order to facilitate usage of protocol information because the protocol information would help support formatting the information related to the URI. The software would help handle protocol information for processing the call.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The



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examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

May 4, 2006

 **JOHN FOLLANSBEE**  
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